REMARKS

Reconsideration and allowance of the above-identified application are respectfully requested. Claims 1-7 are now pending, wherein claims 1, 3 and 4 have been amended, and claims 6 and 7 have been added. The amendments to claims 1, 3 and 4 are made to conform these claims with U.S. patent practice. It is respectfully submitted that these amendments are not limiting amendments.

Applicants note with appreciation the Examiner's acknowledgement of Applicants' claim for foreign priority and that the certified copy of the priority document has been received. Applicants also note with appreciation the Examiner's consideration of the documents cited in the Information Disclosure Statement filed on March 26, 2002.

Claims 1-5 are rejected under 35 U.S.C. § 103(a) as allegedly being obvious in view of the combination of alleged admitted prior art, U.S. Patent No. 6,084,643 to Kishtaka et al. ("Kishtaka") and U.S. Patent No. 6,249,320 to Schneidewend et al. ("Schneidewend"). This ground of rejection is respectfully traversed.

Prior to addressing this ground of rejection in detail, a brief summary of the disclosed invention is provided to highlight advantageous characteristics thereof. The disclosed invention is directed to systems and methods for channel selection in a digital/analog broadcasting receiver. As discussed on page 1 of the present application, digital/analog broadcasting receivers which are capable of switching between digital and analog broadcasts according to channel number

input are known. In conventional systems, digital channels are assigned to virtual channels with the same channel number (herein referred to as the "main channel") as the analog broadcast signal. Conventional digital/analog broadcasting receivers provide an electronic program guide which includes a hierarchical list of main channels and digital sub-channels. A user navigates the hierarchical list using Up and Down keys. Accordingly, in these conventional systems a user must navigate through all of the digital sub-channels when changing to the next main channel.

In accordance with exemplary embodiments of the disclosed invention, Up, Down, Left and Right keys are used to navigate main channels and digital sub-channels. For example, Up and Down keys navigate sub-channels of a main channel, and the Left and Right keys navigate main channels. Alternatively, Up and Down keys navigate main channels, and the Left and Right keys navigate sub-channels of a main channel. Accordingly, the disclosed invention provides correlation between key operations and a hierarchical channel construction, thereby enabling simple and rapid changing and selection of channels.

Turing now to the claimed invention, the combination of alleged admitted prior art, Kishtaka, and Schneidewend does not render Applicants' claim 1 unpatentable because the combination does not disclose or suggest all of the elements of Applicants' claim 1. For example, the combination does not disclose or suggest an input device which "has UP/DOWN keys and RIGHT/LEFT keys

for giving a channel changing instruction, key pairs of which are assigned for main channel switch-over and sub-channel switch-over respectively" as recited in Applicants' claim 1. Additionally, the Office Action has not provided sufficient motivation for one of ordinary skill in the art to combine the alleged admitted prior art, Kishtaka, and Schneidewend in the manner described in the Office Action.

The Office Action acknowledges that the alleged admitted prior art does not disclose or suggest the input device recited in Applicants' claim 1. To remedy this deficiency of the alleged admitted prior art the Office Action relies upon Kishtaka and Schneidewend. Specifically, the Office Action relies upon Kishtaka for the disclosure of up, down, left and right keys on an input device. Kishtaka discloses a system for navigating channels. However, Kishtaka does not disclose main channels and sub-channels. Accordingly, Kishtaka does not disclose or suggest an input device which "has UP/DOWN keys and RIGHT/LEFT keys for giving a channel changing instruction, key pairs of which are assigned for main channel switch-over and sub-channel switch-over respectively" as recited in Applicants' claim 1.

To remedy deficiencies of the combination of the alleged admitted prior art and Kishtaka, the Office Action cites Schneidewand. Schneidewend discloses a system and method for displaying major and minor channel numbers. Figures 12 and 13 of Schneidewend illustrate two different versions of an on-screen program guide for displaying major and minor channel numbers. Figure 12

illustrates an on-screen program guide with both major and minor channel numbers, and Figure 13 illustrates an on-screen program guide with only major channel numbers. In Figure 12 major and minor channel numbers are listed on a vertical axis and time is listed on a horizontal axis. In Figure 13 major channels are listed on the vertical axis and time is listed on the horizontal axis. Accordingly, up and down keys are used to navigate the major and minor channels, and the left and right keys are used to navigate time periods for the major and minor channels of the on-screen program guide of Schneidewend. Hence, Schneidewend does not disclose or suggest an input device which "has UP/DOWN keys and RIGHT/LEFT keys for giving a channel changing instruction, key pairs of which are assigned for main channel switch-over and sub-channel switch-over respectively" as recited in Applicants' claim 1.

Nevertheless, the Office Action relies upon Schneidewend for a disclosure of giving "the user the option of perusing thru sub-channels and main channels (Fig 12) or just through the main channels (Fig 13)." The Office Action then concludes that "if there were more channels per row, the left/right keys in addition to the up/down keys would also be used." However, the Office Action has not provided a prior art reference which discloses "more channels per row" as relied upon to reject Applicants' claim 1. Instead, the Office Action has provided Schneidewend which discloses listing both main channels and sub-channels along the vertical axis.

It is respectfully submitted that based upon the disclosures of the alleged admitted prior art, Kishtaka and Schneidewend, these disclosures at most disclose using the up and down keys of the input device of Kishtaka to navigate major and minor channels as expressly disclosed in the alleged admitted prior art and as suggested by the disclosure of Schneidewend.

Accordingly, the Office Action has not established the third basic criteria of a *prima facie* case of obviousness which requires that "the prior art reference (or references when combined) must teach or suggest all the claim limitations." (See M.P.E.P. § 2143).

To support the modification of the combination of the alleged admitted prior art, Kishtaka and Schneidewend to allow "the viewer the option of perusing the main or main/sub-channels via up/down and left/right keys" the Office Action asserts that one skilled in the art would have been motivated to "give[] the viewer the ability to quickly gauge any programs of interest." However, the Office Action has not explained why one skilled in the art would have ignored the express disclosure of the alleged admitted prior art and Schneidewend of listing main channels and sub-channels on the vertical axis, and instead allow a user to peruse "the main or main/sub-channels via up/down and left/right keys."

It appears that the rejection of Applicants' claim 1 is based upon an improper hindsight reconstruction based on Applicants' own disclosure. As discussed by the Federal Circuit in W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 1553 (1983) "[t]o imbue one of ordinary skill in the art with

knowledge of the invention...when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." It is respectfully submitted that without the benefit Applicants' disclosure which discusses the many advantages of Applicants' claimed system and method for navigating channels, one skilled in the art would have found that the use of the two on-screen program guides expressly disclosed in Schneidewend provides "the viewer the ability to quickly gauge any programs of interest".

Because the combination of the alleged admitted prior art, Kishtaka and Schneidewend does not disclose or suggest all of the elements of Applicants' claim 1, and because only by reviewing Applicants' disclosure would one skilled in the art be motivated to use a different on-screen program guide from that expressly disclosed in the alleged admitted prior art and Schneidewend, it is respectfully submitted that the combination of the alleged admitted prior art, Kishtaka and Schneidewend does not render Applicants' claim 1 unpatentable.

Applicants' claim 2 recites similar elements to those discussed above with regard to Applicants' claim 1. Accordingly, it is respectfully submitted that claim 2 is patentably distinguishable over the combination of the alleged admitted prior art, Kishtaka and Schneidewend for similar reasons to those discussed above with regard to Applicants' claim 1.

Claims 3-5 variously depend from Applicants' claim 2, and hence, are patentably distinguishable over the combination of the alleged admitted prior

art, Kishtaka and Schneidewend for at least those reasons stated above with regard to Applicants' claim 2.

For at least those reasons stated above, it is respectfully requested that the rejection of claims 1-5 as allegedly being obvious in view of the combination of the alleged admitted prior art, Kishtaka and Schneidewend be withdrawn.

New claim 6 is recites the acts of "assigning a first set of responses to an up or down command, and a second set of responses to a right or left command; receiving an up, down, right or left command; and responding to the received command, wherein the first set of responses selects a sub-channel and the second set of responses selects a main channel, or the first set of responses selects a main channel and the second set of responses selects a sub-channel." For similar reasons to those discussed above with regard to Applicants' claims 1-5, it is respectfully submitted that new claim 6 is patentably distinguishable over the current rejection of record. New claim 7 depends from new claim 6, and hence, is patentably distinguishable over the current rejection of record for at least those reasons stated above.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and

please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 010482.50862US).

Respectfully submitted,

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